

# Exhibit E



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

July 10, 2018

**VIA EMAIL**

Jeffrey A. Neiman, Esq.  
Marcus Neiman & Rashbaum LLP  
100 Southeast Third Avenue  
Suite 805  
Fort Lauderdale, Florida 33394

Dear Mr. Neiman:

I write regarding two newspaper articles, which you have referenced in previous letter correspondence to us regarding your client, Harald Joachim von der Goltz: (1) an April 13, 2016 article from La Prensa (the "La Prensa Article"); and (2) a June 5, 2016 article from the New York Times (the "New York Times Article"). You have taken the position that both the La Prensa Article and the New York Times Article contain attorney-client privileged communications and that your client has not waived the privilege as to these communications. (*See e.g.*, Letter of Jan. 2, 2018 and Letter of Jan. 19, 2018.)

As you know, "it is well-settled that the voluntary disclosure of confidential material to a third party waives any applicable attorney-client privilege." *Crawford v. Franklin Credit Mgmt. Corp.*, 261 F.R.D. 34, 43 (S.D.N.Y. 2009); *see also In re Horowitz*, 482 F.2d 72, 81-82 (2d Cir. 1973) ("It must be emphasized that it is vital to a claim of privilege that the communications between client and attorney were made in confidence and have been maintained in confidence."); *United States v. Gangi*, 1 F. Supp. 2d 256, 263 (S.D.N.Y. 1998) ("Even privileged documents . . . are not protected if a party voluntarily discloses them."). We believe that your client has waived attorney-client privilege with regard to the specific communications contained in the La Prensa Article and the New York Times Article.<sup>1</sup>

*First*, with regard to the La Prensa Article, it is our understanding, based on our interview of [REDACTED], the former CFO of [REDACTED], that your client spoke to [REDACTED] in detail about the contents of that article. Specifically, [REDACTED] informed us that after the La Prensa Article was published, your client went point by point through the article with [REDACTED], and denied each of the facts set forth in the article.

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<sup>1</sup> We also do not concede that these articles contain privileged information, and we further reserve our right to argue waiver on other grounds that are not specifically set forth in this letter and other privilege exceptions.

*Second*, with regard to the New York Times Article, your client spoke at length about it in a deposition. We have reviewed a copy of the transcript of the March 6, 2017 deposition of your client in *McCullough v. Royal Caribbean Cruises, Ltd., et al.*, 16-cv-20194. As the transcript indicates, both you and Matthew Chaves appeared at that deposition on Mr. von der Goltz's behalf. During that deposition, your client was shown a copy of the New York Times Article and answered a number of specific questions about its contents, without any objection or assertion of the attorney-client privilege by you or Mr. Chaves. (*See* Tr. at 8-28.)

Accordingly, we believe that to the extent that any privilege once attached to either of these articles, your client has waived it through his voluntary discussion of the contents of the articles with third parties. We therefore intend to take the position that the articles can be reviewed by the investigative team and used by the Government as the investigation continues, including, for instance, during future interviews of witnesses in the case. Should you disagree or believe there to be additional facts that we should take into consideration, please let us know by no later than Friday, July 13, 2018.

Very truly yours,

GEOFFREY S. BERMAN  
United States Attorney

By:    /s/ Sarah Paul     
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cc: Ann Marie Blaylock, Esq.  
Brittney Campbell, Esq.